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Supreme Court, U.S.
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08-339 SEP 15 2008

OFFICE OF THE CLERK
William K. Suter, Clerk

No._____

IN THE
SUPREME COURT OF THE UNITED STATES

In re Isidoro Rodriguez, Esq.,

Petitioner.

To the Respondents: The Hon. Chief Justice John G Roberts in his capacity as Circuit Justice for the Fourth and D.C. Circuits; The Justice of the U. S. Court of Appeals for the Second, Third, Fourth, Tenth, Federal, and District of Columbia Circuits; The Judges of the U. S. District Court for the District of Columbia and the U.S. District Court for the Eastern District of Virginia, the U. S. Tax Court, the United States Department of Justice and Office of the Solicitor General of the United States

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APPENDIX TO PETITION FOR WRIT OF MANDAMUS AND PROHIBITION PURSUANT TO 18 U.S.C. § 4, and § 3771.

Isidoro Rodriguez, Esq.
Counsel for Petitioner
THE LAW OFFICES OF RODRIGUEZ
Annandale, Virginia 22003-1560
Cell No. 703.470.1457
E-mail: isidoror@earthlink.net

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UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT No. 08-1444
In Re: ISIDORO RODRIGUEZ, Petitioner.
On Petition for Writ of Mandamus.

Submitted: April 23, 2008 Decided: April 25, 2008

Before MOTZ, KING, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Isidoro Rodriguez, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Isidoro Rodriguez petitions for writ of mandamus pursuant to the Crime Victims' Rights Act, 18 U.S.C. § 3771. He asserts that he is entitled to mandamus relief because of the "summary dismissal below . . . of his action filed in the United States District for the District of Columbia . . . pursuant to RICO, the Federal Tort Claims Act, the Virginia Tort Claims Act, and Virginia Business Conspiracy Act." Petitioner also claims that he is entitled to relief because of the denial of his request to the Federal Courts of Appeal and the Tax Court to grant him a hearing to "challenge the void order of the Virginia State Bar."

Petitioner's request for mandamus relief is denied. Petitioner was not entitled to the protections of

18 U.S.C. § 3771 in his district court proceedings which were civil in nature, and in his attempts to challenge the decision of the Virginia State Disciplinary Board. See 18 U.S.C. § 3771(d)(3).

Finding no application of 18 U.S.C. § 3771 to these proceedings, we deny the petition.

PETITION DENIED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT No. 08-1444
In Re: ISIDORO RODRIGUEZ, Petitioner.
On Petition for Writ of Mandamus.

ORDER

FILED: May 15, 2008

UNPUBLISHED

The petition for rehearing en banc was circulated to the full Court. No poll was requested. The Court denies the petition for rehearing en banc. The Court denies the motion to disqualify.

For the Court
/s/ Patricia S. Connor, Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT
No. 07-5234

Isidoro Rodriguez, Appellant
v.
Editor in Chief, Legal Times, Individually and in his corporate capacity, et al., Appellees

September Term, 200707cv00975

Filed On: April 23, 2008

BEFORE: Tacha, McConnell and Gorsuch, Circuit Judges*

ORDER

Upon consideration of appellant's petition for a writ of mandamus pursuant to the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771(d)(3),[1] it is

ORDERED that the petition be denied as frivolous. Even assuming that appellant could be considered a "crime victim" as that term is defined in 18 U.S.C. § 3771(e), his requests for relief go well

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[1] 18 U.S.C. § 3771(d)(3) provides that the court of appeals shall "take up and decide [a CVRA] application forthwith within 72 hours after the petition has been filed. In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter." This petition has been decided within the statutorily permissible extended time frame.

beyond enforcing the rights that the CVRA accords to crime victims. Further, contrary to appellant's contentions, he has an adequate remedy other than mandamus – namely, a direct appeal of the district court's judgment, which is pending under this case number. We caution appellant that the filing of any further frivolous submissions may result in the imposition of sanctions against him. *See* D.C. Cir. Rule 38.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk
BY: /s/

Scott H. Atchue Deputy Clerk
*Judge Tacha, Judge McConnell, and Judge Gorsuch are judges of the United States Court of Appeals for the Tenth Circuit, sitting by designation pursuant to 28 U.S.C. § 291(a).

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT
No. 07-5234

Isidoro Rodriguez, Appellant
v.
Editor in Chief, Legal Times, Individually
and in his corporate capacity, et al., Appellees

September Term, 200707cv00975

Filed On: May 1, 2008

BEFORE: Tacha, McConnell and Gorsuch, Circuit Judges*

ORDER

Appellant has filed a petition for rehearing en banc, by all sitting judges of the United States Court of Appeals for the Tenth Circuit, of the denial of his petition for a writ of mandamus under the Crime Victims' Rights Act, 18 U.S.C. § 3771(d)(3). He also has filed a petition for a hearing en banc by all sitting judges of the Tenth Circuit in his pending appeal. But this appeal is not before the Tenth Circuit. Although Circuit Judges Tacha, McConnell, and Gorsuch are judges of the Tenth Circuit, in this appeal they are sitting by designation pursuant to 28 U.S.C. § 291(a). Accordingly, there is no Tenth Circuit en banc court to entertain appellant's petitions. It is

ORDERED that the petition for rehearing en

banc and the petition for hearing en banc be dismissed.

Per Curiam

FOR THE COURT: Mark J. Langer, Clerk
BY:/s/
Michael C. McGrail Deputy Clerk

* Judge Tacha, Judge McConnell, and Judge Gorsuch are judges of the United States Court of Appeals for the Tenth Circuit, sitting by designation pursuant to 28 U.S.C. § 291(a).

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT
No. 07-5234

Isidoro Rodriguez, Appellant
v.
Editor in Chief, Legal Times, Individually and in his corporate capacity, et al., Appellees

September Term, 200707cv00975

Filed On: July 2, 2008

BEFORE: Tacha, McConnell and Gorsuch, Circuit Judges*

JUDGMENT

This appeal was considered on the record of the United States District Court for the District of Columbia and on the briefs filed by the parties. *See* Fed. R. App. P. 34(a)(2); D.C. Cir. R. 34(j). It is

ORDERED and ADJUDGED that those portions of the judgment of the district court not already affirmed by this court be affirmed for the reasons set forth in the accompanying memorandum.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is

directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R. App. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT: Mark J. Langer, Clerk
/s/
BY: MaryAnne McMain Deputy Clerk

* Judge Tacha, Judge McConnell, and Judge Gorsuch are judges of the United States Court of Appeals for the Tenth Circuit, sitting by designation pursuant to 28 U.S.C. § 291(a).

Mandate issued August 28, 2008

MEMORANDUM

Isidoro Rodriguez brought suit in the United States District Court for the District of Columbia against numerous defendants[1] alleging claims

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[1] The complaint named the following defendants: the Editors-in-Chief of *The Legal Times* and *The Washington Post*; Chief Justice John G. Roberts; The Supreme Court of Virginia; Virginia Justice Leroy Rountree Hassell, Sr.; the Virginia State Bar; Karen Ann Gould, President of the Virginia State Bar; Noel D. Sengel, Virginia State Bar Senior Assistant Bar Counsel; Virginia State Bar disciplinary officials James Leroy Banks, Jr., William Carlyle Boyce, Jr., William Ethan Glover, Glenn M. Hodge, Stephen A. Wannall, Davis J. Gogal, Daniel M. Rathbun, Edward V. O'Connor, Jr., and John W. di Zerega; Office of Attorney General of the Commonwealth of Virginia;

under: (1) the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962; (2) the First, Fifth, and Fourteenth Amendments to the United States Constitution and Articles I and VI of the Virginia Constitution; (3) the First and Ninth Amendments to the United States Constitution and Articles I and VI of the Virginia Constitution; (4) 42 U.S.C. § 1983; (5) 42 U.S.C. § 1985(3) and Virginia statute; (6) 42 U.S.C. § 1986; (7) the Federal Tort

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Assistant Attorney General Catherine Crooks Hill; the Court of Appeals of Virginia; the Fairfax County Circuit Court; the Fairfax County J & D District Court; Virginia judge Thomas Mann; federal judges Richard W. Roberts, Jane A. Restani, Paul R. Michel, William H. Stafford, Jr., and T:S. Ellis III; U.S. Department of Justice; Director, Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs of the U.S. Department of Justice; Office of the Solicitor General; U.S. Attorney General Alberto Gonzales; Paul McNulty, U.S. Attorney for the Eastern District of Virginia; Offices of the U.S. Attorneys for the Eastern District of Virginia and the District of Columbia; Marina Utgoff Braswell, U.S. Attorney's Office for the District of Columbia; Federal Bureau of Investigation; U.S. Department of State; U.S. Secretary of State Condoleezza Rice; Legal Advisor for Consular Affairs of the U.S. Department of State; Director, Office of Children Issues of the Bureau of Consular Affairs of the U.S. Department of State; Supreme Court of the United States; U.S. Courts of Appeals for the District of Columbia Circuit and the Fourth Circuit; U.S. District Courts for the District of Columbia and the Eastern District of Virginia; National Center for Missing and Exploited Children (NCMEC); Board of Directors of NCMEC; NCMEC officials Ernie Allen and Nancy Hammer; Proskauer Rose LLP and Susan Brinkerhoff; Miles & Stockbridge LLP & Stephen J. Cullen; Patrick H. Stiehm; Covington and Burling, Eric H. Holder, Jr., and D. Jean Veta; Committee on Admissions, District of Columbia Court of Appeals; and John Does 1-20.

Claims Act (FTCA), 28 U.S.C. §§ 2671-2680; (8) Virginia common law (intentional infliction of emotional distress and common-law conspiracy); and (9) Virginia statutes (business conspiracy under Va. Code §§ 18.2-499, 18.2-500 and the Virginia Tort Claims Act, Va. Code §§ 8.01-195.1 to 195.9). The district court sua sponte dismissed the claims against all judges under the doctrine of absolute judicial immunity and dismissed the remaining claims without prejudice for lack of venue. Rodriguez filed a motion for reconsideration, a motion to disqualify, a motion for stay, and a motion to empanel a grand jury. The district court denied all of Rodriguez's motions. Rodriguez appealed. In prior orders issued in this case, this court summarily affirmed judgment in favor of the Editor-in-Chief of *The Legal Times* and summarily affirmed the dismissal of all claims for money damages against the Committee on Admissions for the District of Columbia Court of Appeals, all federal and state judges, including defendants involved in adjudicating bar disciplinary proceedings (except for a claim related to Chief Justice Roberts' confirmation testimony), the federal agencies and the federal defendants in their official capacities, the Virginia state agencies and Virginia state defendants in their official capacities, and the Virginia prosecutors and disciplinary counsel in their individual capacities.

Our review is de novo. *See King & King, Chartered v. Harbert Int'l, Inc.*, 503 F.3d 153, 156 (D.C. Cir. 2007). With regard to all remaining claims, we now affirm for grounds other than those

relied upon by the district court. *See Jenkins v. Washington Convention Ctr.*, 236 F.3d 6, 8 n.3 (D.C. Cir. 2001); *Nat'l Mining Ass'n v. U.S. Dep't of Interior*, 70 F.3d 1345, 1353 (D.C. Cir. 1995).

Failure to Argue

Although Rodriguez asserts he is appealing the district court's denial of his postdismissal motions as well as its order of dismissal, his opening brief does not present any argument regarding the motions. Consequently, he has waived any challenge to those orders. *See Parsippany Hotel Mgmt. Co. v. NLRB*, 99 F.3d 413, 418 (D.C. Cir. 1996).

Failure to State a Claim

At least two of Rodriguez's federal causes of action fail to set forth all of the essential elements of those claims and thus fail to state a claim upon which relief may be granted. As we held in a prior action that Rodriguez brought, his § 1985(3) claim fails because he failed to alleged any equal protection claim based upon a conspiracy motivated by a racial or class-based discriminatory animus. *See In re Rodriguez*, No. 05-5130, 2005 WL 3843612, at *4 (D.C. Cir. Oct. 14, 2005). And because he did not state a claim under § 1985(3), there is no basis for relief under § 1986. *Id.*

In addition, all of the federal claims, which involve allegations of a wide-ranging, multi-year conspiracy among federal and state courts, federal and state agencies, and private defendants, are subject to dismissal for fail to state a claim upon which relief may be granted simply because "it is

patently obvious that [plaintiff] could not have prevailed on the facts alleged in his complaint." *Baker v. Director, U.S. Parole Comm'n*, 916 F.2d 725, 727 (D.C. Cir. 1990) (per curiam); *see also Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955, 1974 (2007) ("[W]e do not require heightened fact pleading of specifics, but only enough facts to state a claim to relief that is plausible on its face. Because the plaintiffs here have not nudged their claims across the line from conceivable to plausible, their complaint must be dismissed."). Particularly, Rodriguez's allegations include no facts suggesting "unity of purpose" or a "meeting of the minds" among the defendants, a necessary element of a conspiracy. *See Kreuzer v. Am. Academy of Periodontology*, 735 F.2d 1479, 1487 (D.C. Cir. 1984) (quotation omitted).

Failure to Exhaust Administrative Remedies

To proceed under the FTCA, Rodriguez first must file an administrative claim. 28 U.S.C. § 2675(a). An administrative claim must be presented to the agency within two years of the accrual of the claim; a court action must be filed within six months after the agency's denial. *Id.* § 2401(b).

Rodriguez's complaint fails to demonstrate that he exhausted his administrative remedies as to each of his FTCA claims. Further, it affirmatively shows that some of his FTCA claims are untimely, as he alleges that he received a denial of an administrative claim in 2002. *See also In re Rodriguez*, 2005 WL 3843612, at *3 (noting that Rodriguez had not exhausted his administrative

remedies with regard to all but one of his FTCA claims).

Rooker-Feldman and Younger

With regard to Rodriguez's claims against the Virginia defendants, those claims challenge decisions by the Virginia state bar and the Virginia courts or are inextricably intertwined with such decisions. To the extent that those decisions were final at the time of the filing of the complaint, the claims are barred by the *Rooker-Feldman* doctrine. *See Rooker v. Fid. Trust Co.*, 263 U.S. 413 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983); *see also Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005) (stating that the *Rooker-Feldman* doctrine is applicable to "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments"). And to the extent that some of the decisions were not final because proceedings were still pending, the district court would have had to exercise equitable restraint from hearing his claims under the *Younger* doctrine. *See Younger v. Harris*, 401 U.S. 37 (1971).

Improper Forum

The Committee on Admissions of the District of Columbia Court of Appeals denied Rodriguez's application for bar admission before he filed his federal complaint. The proper forum for review of

that decision was the District of Columbia Court of Appeals, not the federal district court. *See* D.C. Court of Appeals Rule 46(g) (providing for review of Committee decisions); *see also Feldman*, 460 U.S. at 482 (holding that the federal district court had no subject matter jurisdiction to review the court's denial of a particular application for admission to the District of Columbia bar).

Preclusion

We take judicial notice of the prior litigation involving most of these parties. *See Gullo v. Veterans Coop. Housing Ass'n*, 269 F.2d 517, 517 (D.C. Cir. 1959). In that action Rodriguez raised some of the same claims, based on the same underlying circumstances. *See In re Rodriguez*, 2005 WL 3843612, at *1 (noting that appellant brought claims "alleging that the defendants conspired to deprive him of his constitutional rights under the First, Fifth, and Ninth Amendments and civil rights under 42 U.S.C. §§ 1985(3) and 1986 (2000) and are also liable under the Federal Tort Claims Act").[2] Consequently, the doctrines of claim

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[2] In the prior litigation, Rodriguez named the following parties in his original complaint:

> the National Center for Missing and Exploited Children, Ernie Allen, Nancy Hammer, Guillermo Galarza, Proskauer Rose LLP, Warren L. Dennis, Susan Brinkerhoff, Miles & Stockbridge LLP, Stephen J. Cullen, Patrick H. Stiehm, Mary B. Marshall, Robert McCannell, Knute E. Malmborg, and John Does 1-20,

preclusion (res judicata) and issue preclusion (collateral estoppel) likely bar further litigation on these issues against these parties.[3] See Nat. Res. Def. Council v. Envtl. Prot. Agency, 513 F.3d 257, 260 (D.C. Cir. 2008) (setting forth standards for claim preclusion); *Yamaha Corp. of Am. v. United States*, 961 F.2d 245, 254 (D.C. Cir. 1992) (setting forth standards for issue preclusion). Further, claim preclusion bars relitigation not only of all matters determined in the prior action, but all matters that might have been determined, *Tutt v. Doby*, 459 F.2d 1195, 1197 (D.C. Cir.1972), and issue preclusion bars new legal theories that could

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in their individual capacity, the Office of Children Issues, the Office of Legal Advisor for Consular Affairs, U.S. Department of State, an unknown number of unnamed and unknown employees of the United States in their official and individual capacities, the United States Department of State, and the United States of America.

In re Rodriguez, 2005 WL 3843612, at *1 n.3. While that case was pending, "Rodriguez filed an amended complaint, adding numerous additional defendants, including every court and the majority of judges who had ruled on his previous federal and state filings." *Id.* at *1.

[3]Because claim preclusion "protects not only the interests of a particular party but the interests of the court," this court has held that the issue can be considered for the first time on appeal. *Brown v. Dist. of Columbia*, 514 F.3d 1279, 1285-86 (D.C. Cir. 2008); *see also Stanton v. Dist. of Col. Court of Appeals*, 127 F.3d 72, 77 (D.C. Cir. 1997) ("As res judicata belongs to courts as well as litigants, even a *party's* forfeiture of the right to assert it . . . does not destroy a *court's* ability to consider the issue *sua sponte*.").

have been raised in the prior action, *Hall v. Clinton*, 285 F.3d 74, 81 (D.C. Cir. 2002).

State-Law Claims

It is proper for a district court to decline to exercise supplemental jurisdiction over state-law claims once it has disposed of all of the claims over which it has original jurisdiction. *See* 28 U.S.C. § 1367(c)(3). Because the federal-law claims were all subject to dismissal, as discussed above, the state-law claims were subject to dismissal as well.

Conclusion

For these reasons, the district court's judgment of dismissal is affirmed.

IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: Letter from
Isidoro Rodriguez

ORDER

The Clerk has received a rambling, ten-page letter from Mr. Isidoro Rodriguez, who inaccurately indicates that he is "a member in good standing of this Court" and requests a show cause hearing, pursuant to 18 U.S.C. § 4 and 3771, to review the Virginia State Bar's decision to revoke his license to practice law.[1]

Rodriguez has put forth no basis for a show cause hearing under 18 U.S.C. §§ 4 or 3771. See In Re: Isadoro Rodriguez, (sic) NO. 08-1444, 2008 WL

[1] Rodriguez's Virginia law license was revoked on October 27, 2006. In The Matter of Isidoro Rodriguez, VSB Docket Nos. 04-052-0794 and 04-052-1044 (Order Entered November 28, 2006). On June 29, 2007, the Supreme Court of Virginia affirmed the revocation in an unpublished order. Case No. 070283. As a result of his disbarment, Rodriguez is ineligible to practice before this Court under Local Rule 83 .1(A).

1862702 (4th Cir. April25, 2008) (unpublished) (copy attached). Accordingly, no action will be taken on his letter, and it is hereby

ORDERED that the Clerk assign Rodriguez's letter and this Order a miscellaneous case number and forward a copy of this Order to Rodriguez.

Entered this 28th day of May, 2008.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

Filed: July 16, 2008

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT No. 06-9518

In the Matter of: ISIDORO RODRIGUEZ,
Respondent.

ORDER

Respondent filed a motion for a temporary retraining order and preliminary injunction. The Court denies the motion.

Entered at the direction of Judge King with the concurrence of Judge Motz and Judge Duncan.

For the Court
Patricia S. Conner
CLERK

District of Columbia
Court of Appeals

No. 080A26

ISIDORO RODRIGUEZ,

Petitioner,

v. M76442

DISTRICT OF COLUMBIA COURT OF APPEALS COMMITTEE ON ADMISSIONS,

Respondent.

BEFORE: Glickman and Thompson, Associate Judges, and Schwelb, Senior Judge.

ORDER

On consideration of the petition for writ of mandamus, it is

ORDERED that the respondent shall file a response to the petition with 20 days from the date of this order. It is

FURTHER ORDERED that petition for writ of mandamus is hereby held in abeyance pending further order of this court.

PER CURIAM

Copies to:

Ms. Jacqueline Smith, Director
Mark Carlin, Esq.
Alan Kent, Esq.
Committee on Admissions
D.C. Court of Appeals
500 Indiana Aye, NW, Rm. 4200
Washington DC 20001

Isidoro Rodriguez, Esq.
2304 Farrington Avenue
Alexandria, VA 22303-1520

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

May 23, 2008

Isidoro Rodriguez
7924 Peyton Forest Trail
Annandale, VA 22003-1560

RE: Application under the Crime Victims Rights Act Motion to Disqualify The *Chief* Justice

Dear Mr. Rodriguez:

The motion pursuant to the Crime Victims Rights Act for the issuance of a TRO/preliminary injunction and the motion to disqualify The Chief Justice, were received on May 18, 2008. These papers fail to comply with the Rules of this Court and are herewith returned.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases and controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court.

You may seek review of a decision only by filing a timely petition for writ of certiorari. The papers you submitted are not construed to be a petition for writ of certiorari. Should you choose to file a petition for writ of certiorari, you must submit

the petition within the 90 day time limit allowed under Rule 13 of the Rules of this Court.

Sincerely, William K. Suter, Clerk
By:

Danny Bickell
(202) 479-3024

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

May 30, 2008

Isidoro Rodriguez
7924 Peyton Forest Trail
Annandale, VA 22003-1560

RE: Request for Show Cause Hearing Dear Mr. Rodriguez:

In reply to your request for a show cause hearing and protection from the Court, received May 28, 2008, I regret to inform you that the Court is unable to assist you in the matter you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court.

Your papers are herewith returned.

Sincerely, William K. Suter, Clerk
By:

Danny Bickell
(202) 479-3024

THE LAW OFFICES OF ISIDORO RODRIGUEZ
ATTORNEYS AND COUNSELORS AT LAW

Isidoro Rodriguez, Esq.
Member of the Bars: of the US Supreme Court; of the U.S. Ct of App for 2nd, 3rd, 4th, D.C., and Fed. Cir.; of the U.S. Dist Ct ED VA; of the U.S. Tax Ct.

Dra. Irene Rodriguez
Admitted Rep. of Colombia

Northern Virginia Office:
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May 5, 2008

Criminal Division (with Exhibits)
Office of Enforcement Operation
Department of Justice
1301 New York Ave., N.W., 12th Floor
Washington, D.C. 20530
(202) 616.8256

United States Attorney's Office
1225 Seventeenth St.
Suite 700
Denver, CO 80202
(303) 454-0403

Senator Patrick Leahy, Chairman of the Senate Judiciary Committee

Congressman John Conyers, Jr., Chairman of the House Judiciary Committee

RE: Criminal Complaint for violation of violation

of 18 U.S.C. §§ 4, 241, 242, 1001, and 1513, and Demand for Protection As a Crime Victim Pursuant to 18 U.S.C. § 3771.

Greetings:

This Criminal Complaint is filed against the Virginia State Bar, United States Court of Appeals for the Fourth Circuit and for the District of Columbia Circuit *et al.,* by Isidoro Rodriguez, Esq. ("Rodriguez-father), as a supplement to the Criminal Complaint previously filed for the conspiracy from 2002 until 2007 to obstruct Rodriguez-father's statutory rights as a parent in violation of 18 U.S.C. § 1204 **(Complainant's Exhibit 1)**. Furthermore, 18 U.S.C. § 3771(c), gives Rodriguez-father an absolute right as a victim to seek the protection of the Department of Justice.

SUMMARY

Since December 2006, May and September 2007, respectively the United States Court of Appeals for the Fourth Circuit, District Court for the District of Columbia and the Designated Panel sitting for the United States Court of Appeals for the District of Columbia, in furtherance of the criminal enterprise have refused to comply with the Rule of Law in furtherance of a criminal enterprise.

The linchpin of the criminal enterprise in violation of 18 U.S.C. §§ 4, 241, 242, and 1513 has been to deny access to an impartial court to review and vacate the illegal *void* order of the Virginia

State Bar issued on November 27, 2006, revoking Undersign Counsel's license for litigating to enforce his federal statutory rights (**Complainant's Exhibit 2**), for petitioning Congress for an investigation of the unlawful policies of the Federal Executive Branch in collusion with the Federal Judicial Branch obstructing the rights of parents (**Complainant's Exhibit 4**), and for opposing the confirmation John G. Roberts as Chief Justice for his intentional violation of 18 U.S.C. § 1001, regarding the obstruction of Rodriguez-father's parental rights (**Complainant's Exhibit 5**). Thus, by avoiding the declaring a nullity the Virginia State Bar *void* order they have acted in furtherance of a criminal conspiracy by not determining that the Virginia State Bar has neither inherent judicial nor statutory authority nor jurisdiction to revoke Rodriguez-father's bar license, much less to do so in retaliation for his litigating to enforce his federal statutory rights.

Thus, pursuant to 18 U.S.C. § 3771, the Department of Justice must use its best efforts to accord Rodriguez-father as a victim of an on going criminal enterprise by taking steps to detect, investigate, or prosecute said federal crimes which have caused Rodriguez-father the lost employment and the depriving of federal unemployment compensation benefits for more than eighteen months based on the illegal *void* order of the Virginia State Bar empaneled as a kangaroo court with neither judicial nor statutory authority under

the laws of Virginia.[1]

In summary, this Criminal Complaint is based an on going criminal enterprise and conspiracy to injure, punish and stigmatize Undersign counsel in retaliation for litigating to enforce his federal statutory rights as a parent and attorney.

Furthermore, the Criminal Complaint is filed based recent acts compounding the evidence of violation of 18 U.S.C. § 1961, 1346, and 1513, which constitute additional predicate acts under RICO, namely obstruction of justice and failure to discharge the duty ro provide "honest services,"by the Virginia State Bar in furtherance of the on going criminal enterprise threatening to take action against me as a victim of the illegal *void* order **(Complainant's Exhibit 4 and 4a)**, and both the United State Court of Appeals for the Fourth Circuit and the District of Colombia Circuit Specially Designated Panel Techa, Chief Judge, Circuit Judges McConnell and Gorsuch of the United States Court of Appeals for the Tenth Circuit ("Designated Panel"), refusing to enjoin the on going criminal enterprise to injure, punish and stigmatize Undersign Counsel for litigating to enforce his federal statutory rights ans protect me as a victim of

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"*Kangaroo court.*". . . 2. A. Court or tribunal characterized by **unauthorized or irregular procedures**, esp. so as to render a fair proceeding impossible. 3. **A sham legal proceeding**. . . ." Bryan A. Garner, Black's Law Dictionary, at page 382 (8th ed., 1999). Emphasis added.

the federal crimes **(Complainant's Exhibit 5 and 6)**

Thus, the proceeding involve questions of exceptional importance under 18 U.S.C. § 3771(a), based on the record of on going violations of 18 U.S.C. § 4 (federal crime reporting statute), § 241 (conspiracy in retaliation for exercising federal rights), § 242 (illegally interfering with employment), § 535, § 1001 (making false statements to Congress), § 1204 (obstruction of parental rights), § 1510, § 1511 (obstructing the enforcement of state law), § 1513 (retaliating against a victim's right to be employed for exercising his federal statutory rights), § 1341, and 5 U.S.C. § 702 (failure to do official acts, i.e., enjoining perjury), by a criminal enterprise originating in the District of Columbia by the Executive Branch in collusion with the Judicial Branch to develop policies and implement practices which obstruct the statutory and fundamental rights of parents and destroy the right of an attorney as an independent advocate outside of government control.

CRIMINAL STATUTES INVOLVED

18 U.S.C. § 4. Misprision of Felony-- Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years or both.

18 U.S.C. § 241 - Conspiracy against rights, states in relevant part, "[i]f two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State . . . in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; . . . They shall be fined under this title or imprisoned not more than ten years, or both . . . .

18 U.S.C. § 242 - Deprivation of rights under color of law, states in relevant part that, "[w]hoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State . . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, . . ., shall be fined under this title or imprisoned not more than one year, or both . . . .

18 U.S.C. § 1001. Statements or entries generally

(a) Except as otherwise provided in this section whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

(1) falsifies, conceals, or covers up by any trick, scheme, or devise a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement

or entry;

Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. See: U.S. code 1001 for further information.

18 U.S.C. § 1204 - International parental kidnapping.--(a) Whoever. . . retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

18 U.S.C. § 1346 - Definition of "scheme or artifice to defraud".-- For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services.

18 U.S.C. § 1513. Retaliating against a witness, victim, or an informant, states in relevant part, "(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

STATEMENT OF FACTS

The evidence in the record confirms that since

October 2001, rather than comply with their ministerial and judicial responsibilities under the under the Hague Convention on the Civil Aspects of International Child Abduction, Oct 25, 1980, T.I.A.S. No. 11670, 19 I.L.M 1501 ("the Treaty"), and the Virginia's Uniform Child Custody Jurisdiction and Enforcement Act, Va. Code 20-146.25 ("Va. UCCJEA"), the United States Department of State and the United States Department of Justice *et al.*, did conspire from the District of Columbia for the Federal Courts in the Fourth and D.C. Circuits ("Federal Malfeasors"), to act outside of their jurisdiction and judicial capacity to obstruct the statutory and fundamental parental rights of Rodriguez-father, which were also confirmed under a Joint Custody Settlement Agreement.

Thus, his Son, although a U.S. citizen, was illegally and forcibly taken out of Virginia to the "zone of war" in the Republic of Colombia on June 11, 2002.

Subsequently, the evidence confirms that a conspiracy was undertaken to deny Rodriguez-father of his statutory right to compel the Federal Malfeasors to comply with their statutory duty to secure visitation. Compounding the above criminal act in violation of 18 U.S.C. § 1204, by the obstructing of Rodriguez-father's rights as a parent to deprive him for five (5) years of the father/son relationship, a cover-up and the suborning perjury were undertaken regarding the Executive Branch's duty under the Treaty and Va. UCCJEA. *See Canter v. Cohen*, 442 F.3d 196 (4th Cir. March 21,

2006); 2006 U.S. App. LEXIS 6915.

As part of the cover-up, a criminal enterprise was undertaken to damage Rodriguez-father's business and profession in violation VA Code § 18.2-499 and 500, as well as 18 U.S.C. §§ 4, 241, 242, 1001, 1510, and 1513, in retaliation for his filing *Isidoro Rodriguez Esq., and Isidoro Rodriguez-Hazbun v. National Center for Missing & Exploited Children et al,* D.C. No. 03-120 (RWR), in retaliation for filing criminal complaints with the United States Assistant Attorney General for both the Eastern District of Virginia and the District of Columbia, the Federal Bureau of Investigation, the United States District Court for the District of Columbia, and the Office of Attorney General for the Commonwealth of Virginia, and for filing petitions with Congress for an investigation.

To this end, in furtherance of the criminal enterprise in the Spring of 2003, Eric Holder, D. Jean Veta, and Covington & Burling LLP, as well as Susan Brinkerhoff, and Proskauer Rose LLP, as lobbyist/attorney's for accused National Center for Missing & Exploited Children, an instrumentality of Federal Malfeasors, they:

- conspired with the *Legal Times* to publish a false and misleading news article to stigmatize Rodriguez-father;

- conspired to file an unlawful bar complaint with the District of Columbia Committee on Admissions for the District of Columbia Court of

Appeals ("D.C. Malfeasors"), and subsequently with the Virginia State Bar, and agent of the Supreme Court of Virginia ("Virginia Malfeasors");

• conspired with Rodriguez-father's former client to file false a bar complaint for his litigating to enforce his statutory rights in his perfected Virginia Attorneys Lien pursuant to Va. Code § 54.1-3932, *Huges v. Cole*, 251 Va. 3 (1996), and *Heinzman v. Fine, Fine, Legion and Fine*, 217 Va. 958 (1977), as well as Virginia Bar Legal Ethics Opinion #1325, issued to Rodriguez-father on February 27, 1990, which confirming his fiduciary duty and right to sue his client for fraud.

In August 2005 in furtherance of the criminal enterprise the Hon. Justice John G. Roberts gave false and misleading statements to Congress so to obfuscate the obstruction of Rodriguez-father's rights under Treaty and Va. UCCJEA. Rodriguez-father filed a response and a request to appear before the Senate Committee to oppose confirmation based on violation of 18 U.S.C. § 4 and § 1001.

In retaliation on November 27, 2006, the Virginia State Bar issued a *void* order revoking Rodriguez-father's license to practice law based on his litigating to enforce his statutory rights as a parent and Virginia attorney.

Upon receipt of the *void* order of the Virginia State Bar Rodriguez-father filed in December 2006 and April 2007, a demand for a Show Cause Hearing with the Fourth Circuit Court of Appeals,

challenging and seeking judicial review. Simultaneously, Rodriguez-father filed the requests for a Show Cause hearing with the United States Supreme Court; the U.S. Ct of App for 2nd, 3rd, D.C., and Fed. Cir. Ct. Of App., the U.S. Dist. Court for the U.S. Dist. Ct. ED VA, and, the U.S. Tax Court.

Also, previously in July 2005, Rodriguez-father filed his waiver application to be admitted into the D.C. Bar based on being a member in good standing of the Virginia State Bar 5-years prior to the filing of the application. Having received no response to his various status reports and request for admission after almost two years, on April 6, and May 1, 2007, Rodriguez-father pursuant to DC Ct. App. Rule 46(f), filed a motion for immediate admission or in the alternative demanded a public hearing to be held within 10 days to determine his "Moral Character and General Fitness" for Admission.

On May 14, 2007, the D.C. Malfeasors refused to comply with its duty under Rule 46(f), to provide public a hearing to review the *void* order of the Virginia State Bar, and struck his application, thereby deny access to appeal before a court.

However, not only did D.C. Malfeasors not provide access to an impartial hearing challenge the *void* order, but too none of the Federal Courts.

Thus, although Rodriguez-father is an active member in good standing of all of the above cited Federal Bars, because he is being injured as a

victim by being stigmatized and denied of his right to employment as an attorney in Virginia and Washington, D.C., based on the *void* order, on May 25, 2007, an action was filed in the United States District Court for the District of Columbia pursuant to RICO, the Federal Tort Claims Act, the Virginia Tort Claims Act, and Virginia Business Conspiracy Act to enjoin the on going criminal enterprise enforcing the *void* order and for damages. On June 2, 2007, a motion to appoint a Special Prosecutor and for a Grand Jury was filed.

On June 18, 2007, in furtherance of the criminal enterprise Judge Paul L. Friedman violated 18 U.S.C. § 4, § 241 and § 242,by surreally dismissing the action based on the absolute judicial immunity-even for negligent and criminal acts, and for lack of venue in the District of Columbia -even for the federal causes of action, and denied the motion for a Grand Jury and Special Prosecutor.

On June 29, 2007, the Supreme Court of Virginia affirmed the *void* order of the Virginia State Bar without addressing at all the challenges based on lack of judicial or statutory authority **(Petitioner's Exhibit 8).**

Subsequently, in violation of the Congressional mandate under 28 U.S.C. §455(a) and (b)(5)(I) and (ii), now as Chief Justice, as well as Circuit Justice for the 4th and D.C. Circuits, Justice John Roberts in furtherance of the illegal enterprise in violation of 18 U.S.C. § 4, § 241, § 242, and § 1513, not only refused to disqualify himself, but too

denied various motions to enjoin the illegal *void* orders. Thus, on September 27, 2007, Justice Roberts issued a *void* order selecting the Designating Panel pursuant to 28 U.S.C. § 291(a).

On October 1, 2007, the Department of Justice denied authority to investigate violations of 18 U.S.C. §§ 241 and 242, because these section prohibit only "generally police brutality."

Later, the U.S. Supreme Court in furtherance of the criminal enterprise refused to enjoin the on going criminal enterprise by denying a Petition for Writ of Certiorari to review the *void* orders, *Isidoro Rodriguez, Esq. v. Supreme Court of Virginia et al.,* (S. Ct. No. 07-419, November 2, 2007). Also, on December 18, 2007, and then February 19, 2008, the Designated Panel and the Supreme Court refused to enjoin the *void* orders of the Virginia and DC Malfeasors, *see* USSC No. 07A601.

On January 15, 2008, a Complaint was filed in the Fairfax County Court against the Virginia Malfeasors, including the Virginia Employment Commission, for their involvement in an on going criminal business conspiracy. A request was made to the Grand Jury Foreman to impanel a Special Grand Jury.

In furtherance of the criminal enterprise, on March 13, 2008, the Virginia Employment Commission Appeals Examiner affirmed the Deputy's denial on October 25, 2007, of Rodriguez-father right to federally mandated unemployment

compensation benefits based on the *void* order of the Virginia and D.C. Malfeasors. An Appeal was filed on April 10, 2008, based on the *void* order doctrine and the lack of impartiality of the hearing process.

On March 28, 2008, Circuit Judge D.T. Still dismissed the Fairfax County complaint based on judicial immunity-even for the alleged criminal acts of enforcing the *void* order of the Virginia State Bar. An Appeal is pending.

In furtherance of the criminal enterprise the Virginia State Bar has sought to intimidate him as a victim of the criminal enterprise to enforce the *void* order by demanding that he waive his rights to challenge the *void* order by May 5, 2008, or face criminal or civil actions by them.

On April 23, 2008, in total disregard of the record on appeal that since July 2007 of the on going denial of employment and unemployment benefits based on the *void* order, the Designated Panel surreally held that the petition for a Writ of Mandamus under 18 U.S.C. § 3771(a), was "frivolous," and denied it because Rodriguez-father's instant appeal gave him an adequate remedy at law. Finally, in violation of 18 U.S.C. § 241, the Designated Panel has sought to intimidate and place a chilling effect on Rodriguez-father by stating that "[w]e caution that the filing of any further frivolous submission may result in the imposition of sanctions against him."

On April 25, 2008, in addition to also disregarding of the record of a criminal enterprise the Panel from the United States Court of Appeals for the Fourth Circuit likewise disregarded that "**in all proceedings courts must treat alleged victims as if they were admitted or proven victims.**" *Crime Victims's Rights Act of 2004 and the Federal Court*, Federal Judicial Center, Washington, D.C. October 24, 2005. (Emphasis added), by surreally holding that the civil RICO action does not protect a crime victim from malfeasance

REASONS FOR INVESTIGATION AND PROSECUTION

A. RODRIGUEZ-FATHER IS A VICTIM OF A CRIMINAL ENTERPRISE TO ENFORCE THE *VOID* ORDER OF THE VIRGINIA STATE BAR WHICH HAS NEITHER INHERENT NOR STATUTORY AUTHORITY TO ACT AS A COURT AND REVOKE RODRIGUEZ-FATHER'S LICENSE TO PRACTICE LAW.

The U.S. Supreme Court has held that an *invalid* and *void* order can be attacked in any proceeding where they come into issue. *Pennoyer v. Neff*, 95 US 714 (1877); and, *Jordon v. Gilligan*, 500 F.2d 701, 710 (6th Cir. 1974)("a void judgment is no judgment at all and is without legal effect") (Emphases added).

a. *The Virginia State Bar's order is void because it has no judicial authority and is not a*

Court.

The Virginia State Bar contends that its jurisdictional authority for acting as a "court" with the power to revoke Rodriguez-father's license was based on Part 6, § IV, ¶ 13 (B)(5) of the Rules of the Supreme Court of Virginia, and total fail to address their acts in retaliation for litigating to enforce federal statutory rights. Thus, for the following reasons their contention not only lacks any legal merit whatsoever, but too confirm the criminal enterprise.

First, pursuant to Article VI § 1 and § 7 of the Constitution of Virginia only empowered the General Assembly with has the authority to establish courts of records in Virginia and to appoint judges.

Only judges and courts have inherent judicial authority in a proper case to revoke a Virginia attorney's license who is practicing in that particular court. As explained by the Supreme Court of Appeals of Virginia in the controlling case of *Legal Club of Lynchburg v. A.H. Light*, 137 Va. 249, 119 S.E. 55 (1923),

> Independent of statutory authority, all courts of record in Virginia have inherent power in a proper case to suspend or annul the license of an attorney practicing in the particular court which pronounces the sentence of disbarment. **The power to go further and make suspension or revocation of license effective in all other court of the**

> **Commonwealth must be conferred by statute.** *Fisher's Case, 6 Leigh* (33 Va.) 619. (Emphases added).

As the Supreme Court of Virginia held in *Norfolk Bar Ass'n v. Drewry*, 161Va. 833 at 836, 172 S.E. 282 (1934), that,

> **[t]he power to discipline is judicial in nature.** *Opinion of the Justice* [(1932), 279 Mass. 607, 180 N.E. 725, 727, 81 A.L.R. 1059]; *Garrigas Case*, 93 Ind. 239, 242; *People v. Gorindar*, 350 Ill. 256, 182 N.E. 732; 6 C.J. 581; 2 R.C.L. 1104. Emphasis added.

Thus, the power of judges and the courts to revoke an attorney's license outside and beyond that particular court is controlled by the General Assembly passing a statute to authorize such extension of power, *see* When Has the Supreme Court of Appeals Original Jurisdiction of Disbarment Proceedings? R.H.C. Virginia Law Review, Vol. 10, No. 3 (Jan. 1924), pp. 246-248.

Second, based on the above the General Assembly of Virginia enacted Va. Code § 54.1-3935, to assist the courts of record by extending their power beyond its original limits defined in *Fisher's Case*, 6 Leigh (33 Va.) 619.

Therefore, based on a reading of Va. Code § 54.1-3935, the General Assembly of Virginia never gave the Virginia State Bar any judicial authority to act as a court nor appointed any of its offices as

judges. In fact, a reading that section with Va. § 54.1-3910, confirms that the General Assembly created the Virginia State Bar only as an administrative arm of the Supreme Court of Virginia with only very limited administrative authority to aid a court of record upon its request, i.e., to conduct lawful investigation and to prosecute a complaint filed with the court.

Finally, pursuant to "the well recognize rule of construction that if a Rule of the Supreme Court [of Virginia] is at variance with a statutory enactment, the terms of the statute must prevail." 1996 Va. AG 23, at page 2. The Supreme Court of Virginia has no authority to either delegate any judicial authority to the Virginia State Bar or create a new disciplinary system outside of that established by the General Assembly under Va. Code § 54.1-3935. In fact, consistent with these restrictions the *Rules of the Virginia Supreme Court* gave no authority to Virginia State Bar to revoke a Virginia attorney's license.[2]

b. ***The Virginia State Bar order is void because it violated the prohibition against the bar taking action against an attorney for litigating to enforce his statutory rights.***

Pursuant to Article VI § 5 of the Constitution

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[2] Part 6, § IV, ¶13(B)(5)(a) of the Rules of the Virginia Supreme Court, the Virginia State Bar has only jurisdiction to consider the, " (5) Revocation or Suspension in another jurisdiction. . ."

of Virginia and Va. Code §§ 54.1-3915, the Supreme Court of Virginia is prohibited from promulgating court rules which conflict with or limit an attorney's statutory rights. *See* 1996 Va. AG 23.

Consistent with this, the *Rules of the Virginia Supreme Court* has given no authority to the Virginia State Bar to investigate a Complaint based on an attorney litigating to enforce his statutory rights.[3]

Also, both Va. Code § 18.2-481(5), prohibiting the, "[r]esisting the execution of the laws under color of its authority;" and 18 U.S.C. §§ 241 and 242, make it a federal and State crime to punish a citizen for exercising his federal statutory rights. Thus, not only is the Virginia State Bar's order *void* since it is a kangaroo court, but too, by participating in a business conspiracy to punish Rodriguez-father for litigating to enforce his rights under the Treaty and Va. UCCJEA, they have violated Va. Code §§ 18.2-499 and 500, 18 U.S.C. § 241, § 242, and § 1513.

B. THE COURTS PURSUANT TO 18 U.S.C. § 18 U.S.C. § 3771(A), HAVE A DUTY TO PROTECT RODRIGUEZ-FATHER AS A

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[3] Part 6, § IV, ¶ 13 (G)(1)(a)(1) and (5) of the Rules of the Virginia Supreme Court, the Virginia State Bar is prohibited from investigating, "(1)as a matter of law, the conduct questioned or alleged does not constitute Misconduct; . . . (5) the action alleged to be Misconduct is protected by superseding law."

CRIME VICTIM FROM A CRIMINAL ENTERPRISE TO ENFORCE THE *VOID* ORDER.

The Justice for All Act of 2004 ("the Act") was signed into law on October 30,2004. Title 1 of the Act, codified at 18 U.S.C. §3771, enumerates specific rights of crime victims against the accused in federal criminal cases, which logically would include actions under civil RICO. Furthermore, the Act defines a crime victim as a person directly and proximately harmed as a result of the commission of a Federal offense. 18 U.S.C. §3771(c). Thus, the Act,

> does not distinguish between proceedings that occur before a plea or guilty verdict and proceedings that follow a plea or verdict, it seems **in all proceedings courts must treat alleged victims as if they were admitted or proven victims**. *Crime Victims's Rights Act of 2004 and the Federal Court*, Federal Judicial Center, Washington, D.C. October 24, 2005. (Emphasis added).

Among these rights are the right is the Act requires officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation and prosecution of crime to make their best efforts to see that crime victims are accorded the rights described in subsection 3771(a), 18 U.S.C. 3771(c)(I), and it instructs the Court to ensure that the crime victim is afforded those rights. 18 U.S.C. §3771(b).

In the instant action the record confirms conduct within the purview of the obstruction of justice statutes by violating 18 U.S.C. §§ 4, 241, 242, 1001, 1204 and 1513. Also, there is evidence of the perjury of Justice John G. Roberts, accompanied by the evidence of the other obstructive, truth-suppressing acts, causes an omnibus clause offense to exist. In *United States v. Alo*, 439 F.2d 751 (2d Cir.), cert. denied, 404 U.S. 850 (1971), the court held that evasive testimony, such as a false denial of knowledge or memory, was included within the coverage of the omnibus clause of 18 U.S.C. § 1505. Finally, the evidence confirms the suborning of perjury by the giving of false testimony by the National Center for Missing and Exploited Children.

Consequently, there is nothing "frivolous" about the alleged federal crimes, and to date the Federal Courts have violated the Act by surreally refusing to issue the Writ to stop the on going criminal enterprise and not impaneling a Grand Jury and seeking the appointment of a Special Prosecutor to investigate the criminal enterprise and malfeasance of the Federal Judicial Branch in collusion with the Federal Executive Branch to injure and stigmatize Rodriguez-father for litigating to enforce his statutory rights.

CONCLUSION AND RELIEF REQUESTED

The extensive evidence in the record of malfeasance confirms:

- the obstruction of justice and a cover-up of

the unlawful taking of a United States citizen child to a "zone of war," and later the obstruction of the compelling the government to comply with the statutory parental rights of Rodriguez-father in violation of 18 U.S.C. § 4 and §1204;

- the active participation of the media in the District of Columbia in furtherance of the conspiracy to obstruct justice and cover-up of malfeasance by government officials and judges;

- the on going violations of 18 U.S.C. § 4, § 1001 and § 1510, by Justice John G. Roberts in his aiding and abetting the cover-up of malfeasance by government officials and judges by giving false statements to Congress at his confirmation hearing in August 2005, so to obfuscate the violation of the duty of the government to secure Rodriguez-father visitation rights, by spinning and obfuscating the record to permitting as Circuit Justice for the Fourth Circuit and District of Columbia Circuits the Committee on Admission and the Virginia State Bar to function as kangaroo courts without authority;

- the business conspiracy in violation of 18 U.S.C. § 4, § 241, § 242, and § 1513, based on the issuing and enforcing of *void* orders issued by the Defendants Virginia State Bar and the Committee on Admissions so to deprive Rodriguez-father of his business, profession and right to employment as an attorney, and right to unemployment compensation in retaliation for Rodriguez-father petitioning Congress and General Assembly of Virginia; and,

• the on going conspiracy to deny access to an impartial Federal tribuna to enforce his statutory rights.

Thus, by issuing the unpublished order summary order, Judge Feldman acted outside of his judicial capacity and jurisdiction. In sum, he refused to address the gravamen of this action to stop the on going criminal malfeasance. Likewise, both the United States Court of Appeals for the Fourth Circuit and the Designated Panel to date have acted outside of their judicial capacity by taking part in the criminal enterprise by enforcing the illegal *void* order .

The above evidence confirms that Rodriguez-father has been denied of his right to due process and equal protection of the laws, based on the going acts outside of judicial capacity and jurisdiction by the enforcing of *void* orders issued as part of an illegal enterprise. This record evidence 3 of the 10 steps towards a *coup d'etat* and tyranny by the Federal Judicial Branch in collusion with the Federal Executive Branch:[4]

1. Surveil Ordinary Citizens --Rodriguez-father has been illegally investigated by the U.S.

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[4] These 10 steps are:1. Invoke an external and internal threat; 2. Establish Secret Prisons; 3. Develop a Paramilitary Force; 5. Surveil Ordinary Citizen; 6. Infiltrate Citizens Group; 7. Arbitrarily Detain and Release Citizens; 8. Target Key Individuals; 9Cast Criticism as "Espionage" and Dissent as "Treason;" and, 10. Subvert the Rule of Law, Wolf, at page 3.

Department of Justice, D.C. Bar, and the Virginia State Bar for litigating to enforce his parental rights under Va. UCCJEA and Treaty, and for petitioning Congress and the General Assembly of Virginia;

2. **Target Individuals**--Rodriguez-father was targeted for "Whistle Blowing" on the unauthorized polices violating parental rights under the Treaty and Va. UCCJEA, i.e. *void* orders were issued to deprive him of his business, profession, and right to employment ["**If you can show citizens that they can lose their livelihood if they refuse to comply with the party line, it doesn't take long to "co-ordinate" and intimidated civil society.**" Wolf at p 113; and,

3. **Subvert the Rule of Law**-- by surreally self proclaiming absolute judicial/ministerial immunity for both negligent and criminal acts, access to an impartial court and a jury trial have been subverted.

The irony is that the doctrine of absolute judicial immunity is sought to be used by those who swore to defend and guard the Constitution. Now they unilaterally declare themselves privileged to violate the Rule of Law, Constitutions, Federal Statutes and Va. Code with corrupt impunity.

Fro the above reasons, the Department of Justice must act not only to protect Rodriguez-father as a victim of a federal crime, but more important it must acts pursuant to its oath to protect the Republic.

Sincerely,
Isidoro Rodriguez, Esq.

Copy, without Exhibits only via telefax to:

Victims' Rights Ombudsman
Executive Office for United States Attorneys
Department of Justice
2261 RFK Main Justice Building
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Washington, DC 20530-0001
Fax: (202) 305-4937

United States Attorney's Office
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900 East Main Street
Richmond, Virginia 23219

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday *the* 29th *day of* June, 2007.

Isidoro Rodriguez, Esq.

Appellant,

v. Record No. 070283
VSB Docket Nos. 04-052-0794
And 04-052-1044

Virginia State Bar,

Appellee.

Upon an appeal of right from an order entered by the
Virginia State Bar Disciplinary Board.

Upon consideration of the record, briefs, and arguments by appellant, in proper person, and by counsel for the appellee, the Court is of the opinion that there is no error in the order of the Virginia State Bar Disciplinary Board (the "Board") revoking Isidoro Rodriguez's license to practice law in the Commonwealth of Virginia based upon finding that he violated Rules 1.2, 1.5, 1.7, 1.16, 3.1, 3.4, 3.7, 4.4, 7.1 and 8.4 of the Virginia Rules of Professional Conduct.

> In reviewing the Board's decision in a disciplinary proceeding, we conduct an independent examination of the entire record. We consider the evidence and all reasonable inferences that may be drawn form the evidence in the light most favorable to the

> Bar the prevailing party in the Board proceeding. We give the Board's factual finding substantial weight and view them as prima facie correct. While we do not give the Board's conclusions the weight of a jury verdict, we will sustain those conclusions unless it appears they are not justified by reasonable view of the evidence or are contrary to law. Barrett v. Virginia State Bar, 269 Va. 583, 587-88, 611 S.E.2d 375, 377 (2005) (quoting Williams v. Virginia State Bar, 261 Va. 258, 264, 542 S.E.2d 385, 389 (2001) (citations omitted); see also El-Amin v. Virginia State Bar, 257 Va. 608 612, 514 S.e.2d 163, 165 (1999); Myers v. Virginia State Bar, 226 Va. 630, 632, 312 S.E.2d 286, 287 (1984).

In making its determination, the Board considered allegations that Rodriguez violated the Rules of Professional Conduct during litigation involving two sets of cases. One group of cases involving Rodriguez's relationship and work with Sea Search Armada. The other group involved custody litigation regarding his son. The Virginia State Bar proved by clear and convincing evidence that Rodriguez violated Rules 1.2(a), 1.5(a), 1.16(a)(3), 3.4(I), 7.1(a), and 8.4(b) and (c) in his relationship with and representation of Sea Search Armada, including his attempts to recover unpaid attorney's fees. The Virginia State Bar proved by clear and convincing evidence that Rodriguez violated Rules1.7(b), 3.1, 3.4(d)(h)(i)(j), 3.7(a), 4.4, and 8.4.

We independently review each of the alleged Rule violations and find no error in the Board's order. Accordingly, the order appealed from is affirmed.

Appellant shall pay to the appellee thirty dollars damages.

This order shall be certified to the Virginia State Bar Disciplinary Board.

A Copy,

Teste: /S/

Patricia L. Hanninton, Clerk

VIRGINIA:
BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF ISIDORO RODRIGUEZ
VSB DOCKET NOS. 04-052-0794 and 04-052-1044

ORDER OF VIRGINIA STATE BAR DISCIPLINARY BOARD

THIS MATTER came on to be heard on the 26th and 27th days of October, 2006, before a panel of the Disciplinary Board consisting of James L Banks, Jr., 1st Vice-Chair, presiding,(the "Chair"), William C. Boyce Jr, Glenn M. Hodge, William F. (Hover, and Stephen A. Wannall, Lay member. The Virginia State Bar ("VSB" or "Bar") was represented by Noel D. Sengel, Senior Assistant Bar Counsel. The Respondent, Isidro Rodriguez, appeared in person and represented himself. The Chair polled the members of the Board Panel as to whether any of them was aware of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member; including the Chair, responded in the negative. Donna T. Chandler, RPR, RMR, CCR of Chandler & Ralasz, court reporter. P.O. Box 9349, Richmond, Virginia, 23227, (804-730-1222) after being duly sworn, reported the hearing and transcribed the proceedings.

The matter came before the Board on the Subcommittee Determination (Corrected Certification) by the Fifth District Committee

Section II.

At the beginning of the proceedings the Respondent renewed his motion for the members of the panel to disqualify themselves as being interested patties for the reasons stated in his written motion previously filed. Upon consideration of this motion it was denied by the Panel for the reasons previously stated in the Board's Order of August 8,2006 that originally addressed Respondent's Motion to Recuse and Disqualify Members of the Disciplinary Board Within the Jurisdiction of N. Virginia and the U.S. Dist. Ct. for the RD. of Va. so to Assure Impartiality.

FINDINGS OF FACT

VSB Exhibits 1-92 were admitted during the course of the hearing without objection. The Respondent's Exhibits 1-42 were admitted during the course of the hearing without objection or over Bar counsel's objection. The VSB presented evidence through its witnesses, the Respondent cross-examined the witnesses and thereafter testified on his own behalf. After consideration of the exhibits and the testimony the Board makes the following findings of fact on the basis of clear and convincing evidence:

VSBNo. 04-052-0794

1. At all times relevant hereto, Isidoro Rodriguez, hereinafter the "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia and his address of record

with the Virginia State Bar has been 7924 Peyton Forest Trail, Annandale, VA 22003-1560. VSB Ex.

1. The Respondent received paper notice of this proceeding as required by Part Six, IV, 13 (E) and (I)(a) of the Rules of Virginia Supreme Court. VSB Ex. 2.

2. The Complainant, Jack Harbeston, hereinafter referred to as "Harbeston", was the managing director of Sea Search Armada ("SSA") a Cayman Island entity that invests in and conducts searches for sunken treasure ships and engages in the salvage and the recovery of their contents. Sometime prior to 1988 SSA had discovered what it thought to be the remains of sunken Spanish ships off the coast of Colombia. SSA had been unable to have its rights to any sunken treasure recognized by the government of Columbia and was looking for legal representation in Colombia to assert its claims. Harbeston sought assistance from the Economic Officer at the United States Embassy in Bogota, Colombia for names of attorneys who could represent SSA The Economic Officer provided Harbeston with a list of attorneys in Colombia which included the Respondent as a member of the partnership of Devis and Rodriguez. Harbeston subsequently contacted the Respondent regarding possible legal representation. In his conversation with the Respondent, Harbeston learned that Devis, a Colombian attorney, would handle any litigation on behalf of SSA in the Colombian courts. Harbeston was looking for an American attorney, if possible, because of his concerns as to the potentially divided loyalty of a Colombian attorney. In correspondence between the Respondent and

Harbeston, Respondent noted that he was the only attorney licensed in the United States working in Colombia and as such his firm was subject to the same standards as law firm in the United States; that unlike any other firm in Colombia his firm "must comply with the State of Virginia Bar Association's Ethics of Professional Responsibility." VSB Ex. 4.

3. SSA subsequently hired the firm of Devis and Rodriguez. By agreement dated October 20, 1988, the parties entered into a representation agreement prepared by Rodriguez which set forth the terms of the engagement including a fee arrangement on an hourly basis that had been discussed prior to the execution of the agreement. VSB Ex. 7. By affidavit dated October 21, 1988, Harbeston, as managing Director of SSA, authorized the law firm of Devis and Rodriguez to act as SSA's legal representative to pursue its claims in Colombia.

4. In order for SSA to proceed with its claims in Colombia, SSA was required to appoint an agent with broad powers to represent SSA. By agreement dated December 16, 1988, executed in the District of Columbia, SSA appointed the Respondent as its legal representative in Colombia. Respondent's Ex. 8. However, Harbeston and SSA were concerned with the scope of the general power of attorney appointing Rodriguez as its agent in Colombia (Respondent's Ex. 8) and sought to limit his authority by advising the Respondent that he could only act upon the written authorization of Harbeston. By letter dated December 14, 1988, the Respondent acknowledged this limitation on his

authority, noting that any violation of the restriction "will result in an action before The Virginia Bar Ethics Committee". VSB Ex. 9. By memorandum dated December 13, 1988, Harbeston advised all law firms employed by 58.4, including Devis and Rodriguez, that John Erlichman would coordinate and manage all litigation by SSA. VSB Ex. 8.

5. By letter dated January 10, 1989 SSA authorized Respondent as its legal representative in Colombia to file a lawsuit against the Republic of Colombia to confirm its rights to the sunken ships. VSB Ex. 12. Thereafter, Devis proceeded to pursue SSA's claims in the courts of Colombia with apparent skill and professionalism to the satisfaction of SSA. Harbeston soon became dissatisfied with the Respondent's performance because of actions he took without written authorization but nevertheless continued the representation arrangement because of his satisfaction with Devis' performance as a litigator. By memorandum to Respondent dated June 9, 1989, (VSB Ex. 13) Harbeston reaffirmed that Respondent was to take no action on behalf of SSA without Harbeston's written authorization as Respondent had acknowledged by his December 14,1988 letter. Sometime thereafter, but prior to January 1990, the law firm of Rodriguez and Devis had dissolved but Devis continued to represent SSA in its ongoing litigation against the Republic of Colombia. By agreement dated January 3, 1991, Respondent, acting as attorney for SSA, entered into a professional services agreement with Devis to continue with the litigation on behalf of SSA

against the Republic of Colombia. This agreement changed the fee arrangement to a contingency fee arrangement whereby Devis would receive 20% of any recovery. VSB Ex. 14. Devis and the Respondent then entered into an agreement to share any contingent fee recovery.

6. By request dated January 3, 1990, the Respondent sought a legal ethics opinion from the VSB that as a Virginia attorney who had entered into a contract in Idaho to be performed in a foreign country, whether he could terminate his representation because the client had failed to pay his fee and could sue the client to collect such a fee. The VSB Ethics Committee gave its opinion on the issue (LEO 1325) that under the facts presented, the Respondent could terminate his representation and sue the client for fees, with the opinion concluding with the customary notice that it was an advisory opinion and not binding on any court. VSB Ex. 18.

7. Devis continued the litigation successfully as the case made its way through the Colombian judicial system as the Colombian government appealed each adverse decision. Respondent does not appear to have played any role in the litigation. By letter dated March 24,2000 Devis advised Respondent not to use his name in Respondent's professional activities, and that Harbeston was upset with Respondent's activities and wanted to revoke the power of attorney. VSB Ex. 15. Devis acknowledged he would honor their contingent fee sharing arrangement By letter dated April 6,2000, Harbeston revoked the general power of attorney from SSA to Respondent (which he had forgotten to do earlier), stating that neither SSA nor its related

entities owed Respondent any legal fees and that any understanding relating to fees was in the agreement between Devis and Respondent to share any contingency fee. VSB Ex. 16.

8. In September of 2000 the Respondent filed suit against SSA in the United States District Court for the Eastern District of Virginia seeking to enforce a claim for attorney's fees in the amount of $4.5 million against SSA. VSB Ex. 19, The Respondent testified that he based the amount of his attorney's fee claim on the annual salary ($300,000 to $400,000) of a legal representative of a United States company in a foreign land for a period of 12 years. Included as defendants in this litigation were Harbeston, related entities to SSA and Devis. None of the defendants were residents of the Commonwealth of Virginia. The Respondent basis for jurisdiction by the federal court in Virginia was the fact that he was a Virginia attorney, Virginia Code Section 54.1-3932 grants an attorney a lien for fees and LEO 1325 which said he could sue his client. The defendants in this litigation obtained the services of Harrison Pledger, a Virginia attorney, who filed a motion to dismiss based on the lack of personal jurisdiction over the defendants. This motion was granted and the suit was dismissed. The Respondent then appealed to the Fourth Circuit Court of Appeals and that court affirmed the District Court's ruling. The Respondent then petitioned for a Writ of *Certiorari* in the United States Supreme Court but that petition was denied.

9. After the denial of The Writ of Certiorari by the United States Supreme Court the

Respondent filed a slightly different law suit in the United States District Court for the Eastern District of Virginia against the defendants in the earlier suit and also added several other defendants who were investors in SSA or related entities. VSB Ex. 20. The District Court dismissed this second law suit, finding that the Respondent had failed to plead additional facts to the first suit to give the court personal jurisdiction over any of the defendants. This ruling was affirmed on appeal to the Fourth Circuit The Respondent then sought a Writ of *Certiorari* from the United States Supreme Court which was also denied.

10. While the appeal of the second lawsuit was pending, the Respondent filed a third similar lawsuit - this time in the Circuit Court of Fairfax County against SSA. In this third lawsuit the Respondent named the defendants in the second law suit and Harrison Pledger and his law firm as defendants. VSB Ex. 21. This law suit was also dismissed but the court denied the defendants' motions for sanctions.

11. The Respondent created a website which displayed false and misleading information regarding his relationship with SSA and his participation in the litigation in Colombia. VSB Ex 24 & 25. On the site, the Respondent claimed that in 1988, at the request of the United States Department of State, he became SSA's legal representative and managing attorney responsible for managing alternative dispute resolution negotiations and outside counsel in litigation against the government of Colombia, posts he claims he held until 2000. These assertions are not true. On

his resume, the Respondent listed a LLM Civil law degree from the University of Bordeaux. While the Respondent attended a class at the University of Bordeaux, he never received a degree from that university. The Respondent also listed an American Trial Lawyers Ultimate Trial Lawyer Certification. There is no such certification. The basis for Respondent's claim is the fact that he attended a one week continuing legal education program sponsored byte Association of Trial Lawyers of American titled "Ultimate Trial Advocacy".

12. Respondent, in 2004,while communicating with the U.S. State Department regarding Freedom of Information Act ("FOIA") requests he had made for information relating to SSA litigation, represented that he was the attorney for SSA notwithstanding the fact that Harbeston had revoked his authority in 2000. VSB Ex. 23. Respondent claimed that since the power of attorney filed with the Colombian government had never been terminated he was not making a misrepresentation in his FOIA request.

VSB Docket No. 04-502-1044

1. The Respondent lived for many years in Colombia and had married Amalin Hazbun Escaf a citizen of Colombia. One son was born of the marriage. The marriage ultimately ended in a divorce in Colombia with the wife/mother obtaining custody of the son by order of a Colombian court with visitation rights to the Respondent.

2. The Respondent subsequently returned to the United States where he has been living and his

son visited him pursuant to the visitation rights granted by the Colombian Court. In 2001 while the son was visiting the Respondent the Respondent refused to return his son to Colombia and filed an action in the Juvenile and Domestic Relations Court in Fairfax County to gain custody of his son.

3. In 2001, subsequent to the filing of Respondent's suit in the Juvenile and Domestic Relations Court in Fairfax County, Respondent's ex-wife filed an action in the United States District Court for the Eastern District of Virginia, under the Hague Convention on the Civil Aspects of Child Abduction (the "Hague Convention") and the International Child Abduction Remedies Act ("ICARA") in order to secure the return to Colombia of her son. VSB Ex. 34. In this litigation she was represented by Patrick Stiehm, a Virginia attorney who had undertaken this representation *pro bono* at the request of the National Center for Missing and Exploited Children ("NCMEC"). NCMEC is a non profit corporation that acts as a neutral in facilitating the processing of claims under the Hague Convention and ICARA. When Stiehm initially contacted Respondent to
inform him of the pending litigation, Respondent told Stiehm that his *pro bono* representation would cost Stiehn "a big chunk of change." In keeping with this threat, Respondent immediately filed a motion for sanctions against Stiehn (VSB Ex. 35) but that motion was denied. VSB Ex. 38. However, Respondent's subsequent litigation described herein, which included Stiehm as a defendant, resulted in Stiehm incurring significant legal expenses to respond to meritless and vexatious litigation.. After

a bench trial the Court ruled that the Respondent had kept the child in Virginia in violation of his ex-wife's custody rights. VSB Ex. 39. The Court ordered that the child be removed from the Respondent's custody and returned to the child's mother in Colombia The Respondent's appeals to the Fourth Circuit Court of Appeals and the United States Supreme Court were denied. After all appeals and stays were denied the son was reunited with his mother and left for Colombia in June of 2002.

4. In January of 2003, the Respondent filed suit in the District Court for the District of Columbia against numerous defendants, including NCMEC, several employees of NCMEC, the United States District Court for the Eastern District of Virginia, the Fourth Circuit Court of Appeals, the Circuit Court of Fairfax County, the Court of Appeals of Virginia, the District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia, various judges, a court clerk, the United States Department of State, Patrick Stiehm and Stephen Cullen (an attorney who had assisted Stiehm in the Virginia litigation) claiming a constitutional conspiracy by the defendants against him in his litigation in Virginia. VSB Ex. 43. Staff members of NCMEC had been witnesses in the Virginia litigation and NCMEC had provided legal representation to witnesses in the litigation in Virginia. In filing this litigation in which Respondent and his son were named as plaintiffs, Respondent who is not licensed to practice in the District of Columbia and had not obtained an order to appear *pro hoc vice*, attempted

to act as attorney for his son.

5. In March of 2003, the Respondent filed a Writ of Mandamus in an attempt to compel NCMEC to take actions to force the country of Colombia to grant the Respondent access to his son. VSB Ex. 64. By letter dated September 24,2003, Warren L. Dennis, Esquire, counsel for NCMEC, informed the Clerk of the United States Supreme Court that NCMEC would not be filing a responsive brief to the Respondent's Writ because, inter alia, it had no power to compel the government of the country of Colombia to do anything. VSB Ex. 65. Upon receipt of a copy of the letter, the Respondent called Mr. Dennis's office and left a voice mail message in which he threatened to file an ethics complaint because the letter falsely characterized the Respondent's Virginia litigation. Also, by letter dated September 29,2003, the Respondent gave notice of his intent to file a judicial complaint and District of Columbia Bar complaint against those involved in the litigation unless facts already proved were proved within twenty-four (24) hours. VSB Ex 67.

6. In the District of Columbia litigation the Respondent repeatedly filed pleadings with no basis in law or fact. VSB Ex. 43 - 81. In an amended complaint (VSB Ex. 72) Respondent asserted a claim under the Racketeer Influenced and Corrupt Organization Act (RICO) 18 U.S.C. 1961. Included as defendants in the complaint were the United States Supreme Court; the United States Court of Appeals for the Fourth Circuit; the United States Court of Appeals for the District of Columbia, the United States District Court for the Eastern District

of Virginia, the United States District Court for the District of Columbia, the Virginia Supreme Court, the Court of Appeals of Virginia and the Circuit Court of Fairfax County. Respondent's actions in the D.C. litigation clearly demonstrates his use of the legal system to harass and intimidate anyone whom he considered to have been involved in the Virginia litigation that returned his son to Colombia and to re-litigate the Virginia case.

7. Respondent's actions in naming NCMEC and some of its employees as defendants in this litigation cost NCMEC over $160,000 in legal expenses and nearly bankrupted the organization. Throughout the course of this litigation, the Respondent misrepresented his credentials as a lawyer and his license status in the District of Columbia and New York to the courts and opposing parties. The Respondent graduated from law school in 1976. He was first licensed to practice law in the Commonwealth of Virginia in 1982. Virginia is the only jurisdiction in which Respondent has a license to practice law. The Respondent listed a number of governmental and quasi governmental legal jobs in the District of Columbia on his resume between the years 1976 and 1982 requiring a valid law license in the United States, during which period he was not licensed to practice law anywhere in the United States. The Respondent also noted on various documents that he practiced law in the District of Columbia for a period of time after his licensure in Virginia, but has never been licensed in the District of Columbia.

8. During this litigation, the Respondent filed pleadings and attempted to represent his minor son

on several occasions in the District of Columbia litigation, despite the fact there was a conflict of interest between the father and son, despite the fact that the Respondent would be a witness in the case and despite the fact that the judge instructed the Respondent to cease representing his son. VSB Ex 48 & 50. The Respondent's law partner also attempted to represent the son but the court refused to permit that representation.

I. MISCONDUCT

The Certification for VSB Docket No. 04-052-0794 charges violations of the following provisions of the Virginia Rules of Professional Conduct:

RULE 1.2 Scope of Representation

(a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision, after consultation with the lawyer, whether to accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

RULE 1.5 Fees

(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill

requisite to perform the legal service properly;

(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer,

(3) the fee customarily charged in the locality for similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(6) the nature and length of the professional relationship with the client;

(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and

(8) whether the fee is fixed or contingent.

RULE 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or where representation has commenced, shall withdraw from the representation of a client if:

(3) the lawyer is discharged.

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

(I) file a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

RULE 7.1 Communications And Advertising Concerning A Lawyer's Services

(a)A lawyer shall not, on behalf of the lawyer or any other lawyer affiliated with the lawyer or the firm, use or participate in the use of any form of public communication if such communication contains a false, fraudulent, misleading, or deceptive statement or claim. For example, a communication or advertisement violates this Rule if it:

(1) contains misleading fee information;

(2) states or implies that the outcome of a particular legal matter was not or will not be related to its facts or merits;

(3) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated;

(4) contains an endorsement by a celebrity or public figure who is not a client of the firm without disclosure (I) of the fact that the speaker is not a client of the lawyer or the firm, and (ii) whether the speaker is being paid for the appearance or endorsement; or

(5) contains a portrayal of a client by a non-client without a disclosure that the depiction is a dramatization.

In the determination of whether a communication or advertisement violates this Rule, the communication or advertisement shall be considered in its entirety including any qualifying statements or disclaimers contained therein.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;

(c) engage in professional conduct involving

dishonesty, fraud, deceit or misrepresentation;

The Certification for VSB Docket No. 04-052-1044 charges violations of the following provisions of the Virginia Rules of Professional Conduct:

RULE 1.7 Conflict of Interest: General Rule
(b) A lawyer shall not represent a client if the representation of that client may be materially limited by
the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:
(1) the lawyer reasonably believes the representation will not be adversely affected; and
(2) the client consents after consultation. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

RULE 3.1 Meritorious Claims And Contentions
A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could
result in incarceration may nevertheless so defend the proceeding as to require that every element of the case be established.

RULE 3.3 Candor Toward The Tribunal

(a) A lawyer shall not knowingly
(1) make a false statement of fact or law to a tribunal;
(2) fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client, subject to Rule 1.6;
(3) fail to disclose to the tribunal controlling legal authority in the subject jurisdiction known to the lawyer to be adverse to the position of the client and not disclosed by opposing counsel; or
(4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity; the lawyer shall take reasonable remedial measures.

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:
(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.
(h) Present or threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter.
(I) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trail, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another. Effective January 1,2004
(j) Present or threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter,

(k) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trail, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

RULE 3.7 Lawyer As Witness

(a) A lawyer shall not act as an advocate in an adversarial proceeding in which the lawyer is likely to be a necessary witness except where:

(1) the testimony relates to an uncontested issue;

(2) the testimony relates to the nature and value of legal services rendered in the case; or

(3) disqualification of the lawyer would work substantial hardship on the client.

RULE 44 Respect For Rights Of Third Persons

In representing a client, a lawyer shall not use means that have no purpose other than to embarrass, delay; or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

RULE 5.5 Unauthorized Practice Of Law

(a) A lawyer shall not:

(1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or

(2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

RULE 7.1. Communications Concerning A Lawyer's Services

(a) A lawyer shall not, on behalf of the

lawyer or any other lawyer affiliated with the lawyer or the firm, use or participate in the use of any form of public communication if such communication contains a false, fraudulent, misleading, or deceptive statement or claim. For example, a communication violates this Rule if it:

(1) contains false or misleading fee information; or

(2) states or implies that the outcome of a particular legal matter was not OR will not be related to its facts or merits; or

(3) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated; or

(4) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law.

RULE 7.4 Communication Of Fields Of Practice And Certification

Lawyers may state, announce or hold themselves out as limiting their practice in a particular area or field of law so long as the communication of such limitation of practice is in accordance with the standards of this Rule, Rule 7.1, and Rule 7.3, as appropriate. A lawyer shall not state or imply that the lawyer has been recognized or certified as a specialist in a particular field of law except as follows:

(a) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation;

(b) A lawyer engaged in Admiralty practice may use as a designation "Admiralty," "Proctor in Admiralty" or a substantially similar designation;

(c) A lawyer who has been certified by the Supreme Court of Virginia as a specialist in some capacity may use the designation of being so certified, e.g., "certified mediator" or a substantially similar designation;

(d) A lawyer may communicate the fact that the lawyer has been certified as a specialist in a field of law by a named organization, provided that the communication clearly states that there is no procedure in the Commonwealth of Virginia for approving certifying organizations. Effective Nov. 1,2002

(a) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation;

(b) A lawyer engaged in Admiralty practice may use as a designation "Admiralty," "Proctor in Admiralty" or a substantially similar designation;

(c) A lawyer who has been certified by the Supreme Court of Virginia as a specialist in some capacity may use the designation of being so certified, e.g., "certified mediator" or a substantially similar designation;

(d) A lawyer may communicate the fact that the lawyer has been certified as a specialist in a field of law by a named organization, provided that the communication clearly states that there is no procedure in the Commonwealth of Virginia for approving certifying organizations.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:
(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;
(c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation; Effective Mar. 25, 2003
(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law.
(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

III. DISPOSITION

Upon review of the forgoing finding of facts, the exhibits presented by Bar Counsel on behalf of the VSB as Exhibits 1- 92, the exhibits presented by the Respondent as The Respondent's Exhibits 1-42, the evidence from witnesses presented on behalf of the VSB and evidence presented by the Respondent in the form of his own
testimony, and at the conclusion of the evidence regarding misconduct, the Board recessed to deliberate. After deliberation the Board reconvened and stated that it had found by clear and convincing evidence that the Respondent had violated The following Rules of Professional Conduct: in Docket No. 04-052-0794, Rule 1.2(a); 1.5(a); 1.16(a)(3); 3.4(I); 7.1(a); 8.4(b) & ©); in Docket No. 04-052-1044. Rule 1.7(b) 1-2; 3.1; 3.4 (d)(h)(i)(j); 3.7(a)(1-3); 4.4 and 8(b) and ©).

The Board stated that the Bar had failed to

prove by clear and convincing evidence any violation of the following the Rules of Professional Conduct: 3.3(a)1-4; 5.5(a)1-2; 7.1(a)1-4; 7.4(a)(b)(c)(d); and effective Nov. 1, 2002 7.4(a)(b)(c)(d).

The bases for the Boards finding of violation of the Rules of Professional Conduct are as follows:

VSB Docket No. 04-052-0794

(a) The Respondent violated Rule 1.2(a) (Scope of Representation) in that his authorization to act on behalf of his client SSA was limited, but he nonetheless acted without written authorization from his client. Furthermore, after he had been discharged by SSA, he wrote the Department of State claiming to be the managing attorney of SSA, which was not the case. He also made a FOIA request without any authorization.

(b) The Respondent violated Rule 1.5(a) 1-8 (Fees) with his claim of a fee of 4.5 million dollars. Respondent acknowledged that the fee arrangement was a contingent fee arrangement and no recovery had been made. Therefore, there was no basis to claim a fee. Furthermore, the amount of the fee, $4.5 million, does not appear to have any reasonable relationship to work actually performed which is necessary for a recovery on a quantum merit basis. Respondent testified that he determined the amount based upon what the salary would be for a legal representative for a U.S. company operating in a foreign country.

(c) The Respondent violated Rule 1.16 (a)(3) (Declining or Terminating Representation) by representing that he was SSA's managing attorney

in a FOIA request (VSB Ex. 23), which he made well after SSA had terminated their relationship.

(d) The Respondent violated Rule 3.4(I) (Fairness to Opposing Party and Counsel) by tiling the litigation in the United States District Court for the Eastern District of Virginia and the Circuit Court of Fairfax County, Virginia. It should appear to any reasonably competent lawyer that the courts did not have jurisdiction over the parties named as defendants. Even giving the Respondent the benefit of the doubt as to the first suit, he received a ruling that the court lacked personal jurisdiction over the defendants which was upheld on appeal. He nonetheless filed a second suit with the same infirmity seeking the same recovery. Furthermore, his suit in the Circuit Court of Fairfax County, Virginia, included as a defendant Harrison Pledger and his law firm, merely because Mr. Pledger had acted as defense counsel in the two suits in the federal court

(e) The Respondent violated Rule 7.1(a) 1-5 (Communication Concerning a Lawyer's Services) by misrepresentation on his website and resume. VSB Exhibits 24 and 25 show that Mr. Rodriguez, on the website he created, misrepresented his relationship with SSA. He misrepresented what he did for SSA and how he became employed by SSA. He misrepresented his education by listing an LLM civil law degree from the University of Bordeaux. He improperly claimed a certification (the American Trial Lawyer Ultimate Trial Lawyer Certification) where no such certification exists.

(f) The Respondent violated Rule 8.4(b) and 8.4(c) (Misconduct) by representing in his FOIA

request that he was the managing attorney for SSA, when the evidence shows that he clearly was not.

VSB Docket No. 04-052-1044

(a) The Respondent violated Rule 1.7(b) 1-2 (Conflict of interest) in his attempt to represent his son in the District Court for the District of Columbia and his continued actions to do so even in the face of a court ruling that there was a conflict.

(b) The Respondent violated Rule 3.1 (Meritorious Claims and Contentions) by his litigation in the District Court for the District of Columbia and his actions in the Circuit Court of Fairfax County, Virginia. The complaint filed by the Respondent with all the parties he named as defendants standing alone shows that the Respondent has violated this Rule. The numerous pleadings filed thereafter further demonstrate that the Respondent's aim was to punish anyone who had any connection with the litigation filed by his former wife to regain custody of their son. Any attorney who had in any way appeared in that litigation ended up being named as a defendant. NCMEC and several of its staff were named as defendants resulting in a legal cost to NCMEC alone of $160,090.00 Attorney Patrick Stiehm who had taken Respondent's ex-wife's case pro bono was named as a defendant thereby making good on Respondent's claim that Stiehm's representation would cost him a "big chunk of change."

Furthermore, in litigation in Fairfax County, Respondent subpoenaed two members of NCMEC as witnesses for a hearing involving his efforts to file

a Statement of the Case for an appeal, when these two staff members had nothing to do with the Fairfax litigation. While the subpoenas were quashed they nevertheless had the effect of harassing the NCMEC staff members. Remarkably this is the only instance in which the Respondent was sanctioned by a court.

Perhaps if he had been sanctioned earlier, either by the United States District Court for the Eastern District of Virginia or the District Court for the District of Columbia, such action would have put a stop to Respondent's unwarranted and vexatious conduct. Unfortunately neither of the courts saw fit to impose sanctions.

(c) The Respondent violated Rule 3.4(d)(h(i)(j) (Fairness to Opposing Party and Counsel) by the following conduct: (1) by continuing to attempt to represent his son in the District of Columbia litigation in the face of a court ruling, in violation of Rule 3.4(d); (2) by threatening the NCMEC attorney with a bar complaint and filing a criminal complaint with the FBI, in violation of 3.4(h); (3) by filing a motion for sanctions against Patrick Stiehm and naming Stiehm as a defendant in the District of Columbia litigation and by his entire course of conduct in the District of Columbia litigation, in violation of Rule 3.4(i)(j);

(d) The Respondent violated Rule 3.7(a) 1-3 (Lawyer as Witness) by acting as an advocate when he was a necessary witness in the Eastern District of Virginia litigation.

(e) The Respondent violated Rule 4.4 (Respect for the Rights of Third Persons) by the whole course of litigation in the District Court for the District of

Columbia. In addition, his subpoena of Ms. Brinkerhoff and Mr. Dennis to the Fairfax Circuit Court for a bearing on the Statement of Facts to be submitted for appeal further demonstrates a violation of this Rule.

(f) The Respondent violated Rule 8.4(b) and 8.4(c) (Misconduct) in asserting a RICO claim and by his letter to the FBI.

Thereafter, the Board received further evidence of aggravation and mitigation from the Bar and the Respondent, including the Respondent's prior disciplinary record. The Board recessed to deliberate what sanction to impose upon its findings of misconduct by the Respondent.

After due deliberation the Board reconvened to announce the sanction imposed. The Chair announced the sanction as REVOCATION.

The Board in reaching its decision of revocation recognized that the violation of certain of the Rules such as Rule 1.5(a), 7.1, and 8.4(b) & (c) standing alone may not merit the ultimate sanction of revocation. However, the Respondent's conduct by pursuing litigation in Virginia in Docket No. 04-052-0794 and in the District of Columbia in Docket No. 04-052-1044 is conduct that cannot be tolerated. While a court through sanctions can protect itself from such conduct by a deceitful and unprincipled attorney, the public must look to the VSB for protection. The other violations demonstrate Respondent's complete disregard for the Rules of Professional Conduct.

Furthermore the Respondent was defiant to any criticism of his conduct in pursuing what can only be described as meritless and vexatious

litigation. This same defiance was evident to the Board as the Respondent sought to justify his conduct. Therefore the Board concluded that the sanction of revocation was the only remedy by which the public and bar could be adequately protected.

Accordingly, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is revoked, effective October 27, 2006.

It is further ORDERED that the Respondent must comply with the requirements of Part Six, § IV, ¶ 13(M) of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the revocation of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with
the wishes of his client The Respondent shall give such notice within 14 days of the effective date of the revocation, and make such arrangements as are required herein within 45 days of the effective date of the revocation. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the revocation that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of October 27,2006, he shall submit an affidavit to that effect to the Clerk of the

Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13 (M) shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 13,B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent at his address of record with the Virginia State Bar, being 7924 Peyton Forest Trail, Annandale, VA 22003-1560, by certified mail, return receipt requested, and by regular mail to Noel 0. Sengel, Bar Counsel, Virginia State Bar, Suite 310, 100 North Pitt Street, Alexandria, Virginia, 22314-3133.

ENTERED this 28th day of November, 2006

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: /S/
James Leroy Banks., Jr. 1st Vice Chair